

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

IN THE MATTER OF THE SEARCH OF
18090 Demersville Wagon Road Lakeside,
Montana 59922, and a 2018 White Ford F-350
Super Duty, Montana License Plate #DDU763

Case No. MJ-22-19 -M-KLD

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A SEARCH WARRANT**

I, Michael Sprenger, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your affiant is employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am assigned to the Missoula, Montana, Satellite Office. I have been an ATF Special Agent since December of 2016. I am responsible for investigating and enforcing violations of federal firearms laws. I graduated from the Criminal Investigator Training Program, and the ATF Special Agent Basic Training Program, which are both located at the Federal Law Enforcement Training Center in Glynco, Georgia. I hold a bachelor's degree in Criminal Justice from the Eastern Washington University. During my career as a Special Agent, I have had training and experience investigating violent crimes against persons, monetary crimes, crimes against the government, and crimes involving prohibited persons possessing firearms. As a Special Agent with ATF, my duties and responsibilities have included conducting criminal investigations for possible violations of federal law.

2. This Affidavit is intended to show only that there is sufficient probable cause for the requested search warrant and does not set forth all my knowledge about this matter.

PURPOSE OF AFFIDAVAT

3. I submit this Affidavit in support of a search warrant requesting authorization to search the following residence and vehicles, further described in Attachment A for evidence of violations of Title 18 United States code, section 922(g)(1), Felon in Possession of a Firearm and/or Ammunition.
4. The residence to be searched is described as 18090 Demersville Wagon Road Lakeside, Montana 59922, and any adjacent buildings on the curtilage, hereinafter referred to as the "Residence." The Residence is further described in Attachment A. The applied-for warrant would authorize the search of the Residence and any adjacent building on the curtilage for any firearms or ammunition unlawfully possessed by a Felon in Possession of Firearms and/or Ammunition.
5. The "Vehicle" to be searched is described as a 2018 White in Color, Ford F350 Super Duty, Montana License Plate #DDU763, hereinafter referred to as the "Vehicle." The Vehicle is further described in Attachment A. The applied-for warrant would authorize the search of the vehicle for any firearms or ammunition unlawfully possessed by a Felon in Possession of Firearms and/or Ammunition.

PROBABLE CAUSE

6. On December 2, 2021, ATF Special Agent (SA) Michael Sprenger received information from the Helena Field Office, Resident Agent in Charge (RAC) Craig

Howe that Daniel ELAM was suspected of possessing firearms. RAC Howe informed SA Sprenger that Jeffrey Eustis called the Helena Field Office and provided information regarding ELAM being in possession of firearms.

7. On December 3, 2021, SA Sprenger reviewed ELAM's NCIC criminal history. ELAM was convicted on November 13, 2003, of two felonies, specifically Aggravated Assault and Drive by Shooting in Maricopa County, Arizona, case number CR2003016418001DT.
8. On December 3, 2021, SA Sprenger conducted a telephonic interview of Jeffrey Eustis regarding ELAM being a suspected prohibited person in possession of a firearm. Jeffrey Eustis explained to SA Sprenger that he resides in Washington State, and purchased ten (10) acres and a residence, located at 18082 Demersville Wagon Road, Lakeside, Montana 59922 approximately three (3) years ago. Jeffrey Eustis said the residence next door also had a ten (10) acre lot and was owned and occupied by Connie Wilhelm and ELAM. Jeffrey Eustis said Wilhelm and ELAM moved into the residence full time approximately three to four months prior to the interview but purchased the residence approximately one (1) year ago. ATF intel branch and SA Sprenger confirmed ELAM and Wilhelm have listed 18090 Demersville Wagon Road, Lakeside, Montana 59922 as the residence through driver's license and property deed information. Jeffrey Eustis explained he and his family visit their residence in Lakeside, Montana frequently, and he also rents the residence as a vacation rental by owner (VRBO). Jeffrey Eustis explained that Wilhelm was disputing the commonly shared road and the use of Jeffrey Eustis' residence as a VRBO. Jeffery Eustis said the disputes have caused issues between ELAM and Jeffrey Eustis and his family. Jeffrey

Eustis also advised that a neighbor identified as Linda French informed his son, Sean Eustis, that ELAM spent time in prison and has a criminal record.

9. Jeffrey Eustis said on approximately October 7, 2021, the gardener for his residence in Lakeside, Montana, identified as Jeffrey Wilke had a verbal confrontation with ELAM. Jeffery Eustis advised Jeffrey Wilke informed him about a verbal confrontation. Jeffrey Eustis said Jeffrey Wilke accidentally landscaped an area on ELAM's property near ELAM's work shed. Jefferey Eustis said during the incident, Jeffrey Wilke observed a handgun in a leg type holster on ELAM's person.
10. Jeffery Eustis also explained that his son, Sean Eustis, shot firearms with ELAM at a neighbor's property in Lakeside, Montana. Jeffrey Eustis was unsure of when this occurred but approximated nine (9) months prior.
11. Jeffrey Eustis also said his son's girlfriend, Alexa Eddy, was walking near ELAM's work shed, which is also near a walking trail near ELAM's residence. Jeffrey Eustis explained that while Eddy was walking by ELAM, ELAM shot several rounds out of a firearm. Jeffrey Eustis was unsure of when this event occurred.
12. Later the same day, SA Sprenger received an email from Jeffrey Eustis regarding text messages between Jeffrey Eustis and Connie Wilhelm on December 29, 2020. The text messages show "Connie Montana" as the phone number Jeffrey Eustis is messaging. The text messages document Jeffrey Eustis sending a video to "Connie Montana" regarding a mountain lion being surveilled on a camera near Jeffrey Eustis' residence. During the text conversation, Jeffrey Eustis says "The mountain lion I told you about!" "Connie Montana" responds "Wow! Just on my way to buy my Glock 21 10mm."

13. On December 3, 2021, SA Sprenger conducted a telephonic interview of Jeffrey Wilke regarding the confrontation involving ELAM and Jeffrey Wilke in the early fall of 2021 near Jeffrey Eustis' residence of 18082 Demersville Wagon Road, Lakeside, Montana 59922. Jeffrey Wilke advised he has provided landscaping for Jeffrey Eustis' residence for approximately five (5) years, including for several different owners before Jeffrey Eustis bought the residence in Lakeside, Montana. Jeffrey Wilke said he provided landscaping once a month at the residence. Jeffrey Wilke explained Jeffrey Eustis' residence is the guest house on the left side where the road forks, and the main house is on the right side.

14. SA Sprenger asked Jeffrey Wilke about the confrontation with the Jeffrey Eustis' neighbor. Jeffrey Wilke said he was unsure of the exact date when the confrontation occurred but said it could either be August 11, 2021, or September 7, 2021. Jeffrey Wilke said as he was driving to Jeffrey Eustis' residence, he noticed Jeffrey Eustis' residence had a vehicle parked in the driveway and assumed the residence was being occupied by a renter for the weekend. Jeffrey Wilke said he parked near a shop on the right-hand side of the common road near the neighbor's property. Jeffrey Wilke said he was weed eating near the fork in the road between the two residences. Jeffrey Wilke explained it as the entrance to the shared road. During this time, Jeffrey Wilke said a male in a 4x4 truck pulled up to him and confronted him regarding landscaping and parking near his property. Jeffrey Wilke said he thought he was mowing a shared area near the entrance to Jeffrey Eustis' residence and explained that to the male in the 4x4 pickup. Jeffrey Wilke said after the confrontation, he moved and parked his vehicle on Jeffrey Eustis' property on the shared road. Jeffrey Wilke said the male in the 4x4

truck drove up to the main house and parked in the front of the residence. Jeffrey Wilke said he observed the male walk to the passenger side of the pickup. Jeffrey Wilke said as the male was walking from the right passenger side of the vehicle towards him, he observed the male wearing a leg-type holster on his right leg and noticed the handle of a pistol. Jeffrey Wilke said he was approximately 20-30 yards from the male when he saw the holster and pistol. Jeffrey Wilke said he noticed the leg holster and pistol immediately and expressed that he found it was odd that the male was wearing a holster and pistol. Jeffrey Wilke said the holster had two straps that went around the male's thigh. Jeffrey Wilke said the male then spoke with him and showed him where the boundaries are between the two residences. Jeffrey Wilke said the male was complaining about Jeffrey Eustis' residence having people staying there. Jeffrey Wilke said the situation was diffused, and the male walked back inside his residence. Jeffrey Wilke felt the male was trying to intimidate him by wearing the pistol during the interaction. Jeffrey Wilke described the male as being a white male, late 20's to 40 years old, approximately 180 pounds, under 6'0 feet in height, flat brim hat, and sunglasses. Jeffrey Wilke was unsure what the male's name was.

15. On December 6, 2021, SA Sprenger conducted a telephonic interview of Sean Eustis. The interview was regarding Sean Eustis shooting firearms with ELAM. Sean Eustis said he went shooting with ELAM and a neighbor, identified as Corey Schroeter, on April 3, 2021. Sean Eustis said they shot at targets that respond with flash and smoke when you shoot it. Sean Eustis said they shot into a hill side area on Corey Schroeter's property for one to two hours. Sean Eustis said Corey Schroeter brought two (2) .22 caliber pistols and a rifle, and ELAM brought a pistol, described as a black semi-

automatic pistol. Sean Eustis was unsure what caliber the pistol was but explained he didn't like the pistol because the barrel extended out past the slide. Sean Eustis said ELAM was wearing the firearm on his person and explained that the pistol was in a leg-type holster attached to ELAM's thigh. Sean Eustis said ELAM brought the pistol to shoot on Corey Schroeter's property in the holster attached to ELAM's person. Sean Eustis said ELAM was the only person who shot his pistol. Sean Eustis said ELAM shot the two (2) .22 caliber pistols that Corey Schroeter brought. Sean Eustis said they were having a shooting-type competition with the .22 caliber pistols. Sean Eustis said Corey Schroeter's residence and property is located a half mile down the road from ELAM's residence, located on the right-hand side of the road if headed up the road towards ELAM's residence. SA Sprenger asked Sean Eustis if ELAM mentioned that he owns more firearms. Sean Eustis said ELAM said something to the effect of being able to acquire more firearms, but Sean Eustis was unsure of the exact statement ELAM made.

16. Sean Eustis said he saw ELAM on a separate occasion wearing the pistol on his person. Sean Eustis said this occurred on ELAM's property in the summer of 2021. Sean Eustis has also heard gun shots coming from ELAM's property and said the noise from the gunfire sounded like it came from ELAM's property due to the noise of the gunfire. Sean Eustis said he heard the gun shots in the summer of 2021 and said the gun shots lasted for one to two hours. Sean Eustis was unsure of exactly where ELAM was shooting on the property and said that he never saw ELAM shooting on this occasion. Sean Eustis said he assumed it was ELAM, because has never seen "Connie" shoot or walk around with a gun. Sean Eustis explained he has only seen ELAM with a

pistol but reiterated that ELAM made a comment mentioning possibly owning more firearms.

17. Sean Eustis explained an incident when ELAM was chopping wood near his shop, and Sean Eustis' girlfriend, identified as Alexa Eddy, was walking near ELAM's gate and overhanging sign. During this incident, Sean Eustis said when Alexa Eddy walked by ELAM, ELAM shot a firearm in a rapid-fire type of sequence in the area where individuals walk and where there was not a back stop.

18. On December 7, 2021, SA Sprenger conducted a telephonic interview of Alexa Eddy. Alexa Eddy explained that the area around ELAM's residence contains logging roads where Alexa Eddy commonly walks her dogs. Alexa Eddy said you have to walk by ELAM's residence to get to the logging roads. Alexa Eddy said this area is near a shared gate and garage where ELAM chops wood. Alexa Eddy said in either March, April, or May 2021, she was walking by ELAM's gate where she saw ELAM chopping wood. She then said Elam stopped chopping wood, aggressively walked towards the gate area, and started firing a handgun in the direction of where Alexa Eddy previously walked. Alexa Eddy said she saw ELAM shooting a black handgun and said ELAM did a "Hail Mary" and started shooting into the forest. Alexa Eddy estimated approximately (10) rounds fired by ELAM. Alexa Eddy said she was approximately (50) feet from ELAM during the shooting. She also said ELAM holstered the handgun and went back to chopping wood once the shooting ended. Alexa Eddy explained there was property issues and drama, and once ELAM and "Connie" moved in full time.

19. Alexa Eddy said she has heard gun shots coming from ELAM's residence approximately 10-20 times from March through August 2021. Alexa Eddy said she never physically saw

ELAM shooting during these incidents but confirmed the last time she heard shooting at ELAM's residence was in August 2021. She also said she has never seen "Connie" shooting firearms.

20. On December 27, 2021, SA Sprenger conducted a telephonic interview of Jeffrey Eustis. Jeffrey Eustis informed he had spoken telephonically with Corey Schroeter and Schroeter's wife named "Christy" regarding Jeffrey Eustis' neighbor identified as Connie Wilhelm sending a letter about Jeffrey Eustis' residence breaking covenants.

SA Sprenger is aware based upon a prior interview with Jeffrey Eustis of the neighborhood dispute regarding his residence of 18082 Demersville Wagon Road, Lakeside, Montana 59922 being rented as a vacation rental by owner (VRBO). Based upon prior interviews, SA Sprenger is also aware of Corey Schroeter being a neighbor of Jeffrey Eustis and later through law enforcement queries learned Corey Schroeter resides at 17945 Demersville Wagon Road, Lakeside, Montana 59922. Jeffrey Eustis said during the telephone conversation while speaking with "Christy" he was informed of a .44 caliber, bolt-action rifle being sold by Corey Schroeter to ELAM. Jeffrey Eustis said later during the conversation "Christy" asked Corey Schroeter who he sold the .44 caliber rifle to and said he could hear Corey Schroeter say he sold the firearm to "Connie." Jeffrey Eustis said "Christy" had the telephone on speaker so he could talk to both Corey Schroeter and "Christy."

21. On December 27, 2021, SA Sprenger conducted a telephonic interview of Corey Schroeter about shooting firearms with Sean Eustis and ELAM in April of 2021, and possibly selling a firearm to ELAM or Connie Wilhelm. Based upon prior interviews and law enforcement

queries, SA Sprenger is aware of ELAM residing with Connie Wilhelm at the residence near where Corey Schroeter resides.

22. SA Sprenger asked Corey Schroeter about the specific incident involving ELAM, Sean Eustis, and himself shooting on his property. Corey Schroeter said in April of 2021, ELAM, Sean Eustis and himself shot firearms on his property at a Tannerite type target. Corey Schroeter said ELAM carried a 10mm caliber pistol in a leg holster attached to his person to the shooting area on this occasion. Corey Schroeter described ELAM's 10mm caliber pistol as a greenish-colored pistol, with a rectangular look, similar to a Glock type pistol. Corey Schroeter mentioned ELAM has access to firearms and he has personally seen ELAM carry a pistol in his leg holster five to fifteen times. Corey Schroeter said ELAM will mostly carry the 10mm caliber pistol but has seen him carry others.
23. Corey Schroeter said in approximately May or June 2021, he and ELAM shot AR-15 type firearms on his property at an expanded area at dirt clods. Corey Schroeter said he had his personal AR-15 type rifle and ELAM brought his own .223 caliber, AR-15 type rifle. Corey Schroeter described ELAM's AR-15 type rifle as a black, custom rifle with a custom trigger, charging handle, and rubberized grips. Corey Schroeter thought the make of the rifle was Colt and was built in Arizona and by someone "Connie" knew. Corey Schroeter said he has personally seen the AR-15 type rifle in ELAM's residence and mentioned ELAM brought the AR-15 type rifle out from a bedroom located in ELAM's residence.
24. Corey Schroeter said he and ELAM shot his personal 10mm caliber, "Banshee" on his property in approximately July or August 2021. Specifically, Corey Schroeter said ELAM shot a magazine from the "Banshee" and estimated approximately 29 rounds located in the magazine. SA Sprenger is aware of manufacturer CMMG making the model "Banshee" AR-

pistol type firearms. SA Sprenger asked if ELAM brought his 10mm caliber pistol with him during this time, and Corey Schroeter said “the 10mm was on him, yeah, like I said that was very common, it’s almost all the time.”

25. Corey Schroeter said he saw ELAM shooting his .223 caliber, AR-15 type rifle on ELAM’s property in the backyard in the spring or early summer of 2021. Corey Schroeter said he helped ELAM tune his rifle and check the trigger. Corey Schroeter was able to describe the rifle and the recoil associated with the AR-15 type rifle ELAM owned. Corey Schroeter also said this was the first time he saw the AR-15 type rifle owned by ELAM. SA Sprenger asked what day ELAM brought his AR-15 type rifle out of the bedroom to show Corey Schroeter, which was mentioned by Corey Schroeter earlier in the interview. Corey Schroeter said the same day ELAM was shooting at his residence was the day ELAM brought the AR-15 type rifle from out of the bedroom. Corey Schroeter reiterated this was the time he showed ELAM how to take the firearm apart, check the trigger, and clean the firearm. Corey Schroeter then said ELAM showed him how the AR-15 type rifle shot by firing in ELAM’s backyard. Corey Schroeter said the AR-15 type rifle ELAM brought out of the bedroom was in a black hard case, foam lined, and could be utilized for airlines if you had locks. Corey Schroeter said an AR-10 type rifle was near the front door of ELAM’s residence. Corey Schroeter said ELAM showed him the AR-10 type rifle but at the time ELAM didn’t have ammunition for the rifle. Corey Schroeter said he was also helping ELAM move furniture into ELAM’s residence. SA Sprenger asked Corey Schroeter if ELAM specifically says which firearms are his. Corey Schroeter said ELAM’s words were “Connie and I got our guns, I got Connie to get this one, this one is going to be mine.” Corey Schroeter said ELAM mentioned it as the AR-10 type rifle was ELAM’s and the AR-15 type rifle was “Connie’s.” Corey Schroeter also thought

this was due to the size of the firearms and the AR-10 type rifle being a bigger rifle caliber so ELAM would own it. Corey Schroeter said ELAM mentioned this is the last firearm he can buy because Connie is cutting him off. Due to this statement, Corey Schroeter said he thought there were more firearms they owned.

26. SA Sprenger asked Corey Schroeter about the possible rifle that was sold to ELAM or Connie Wilhelm. Corey Schroeter said he had a .44 magnum caliber, lever action rifle that he traded to ELAM for 800 rounds of ammunition in the approximate timeframe of December 2020 or January 2021. Corey Schroeter said the transaction occurred before ELAM and Connie Wilhelm moved to Montana full time. Corey Schroeter said he and ELAM were shooting and looking at the .44 magnum caliber rifle at his residence and shot a water jug with it. Corey Schroeter said he explained to ELAM the rifle caliber would be good for bear protection. Corey Schroeter said ELAM asked him if he would sell him the rifle. Corey Schroeter said he traded it for the ammunition a few weeks after they looked at the firearm. Corey Schroeter said he hasn't seen the .44 magnum caliber rifle since he traded it to ELAM but said ELAM has asked him for ammunition. Corey Schroeter also said he has heard ELAM shooting due to ELAM living near him. Corey Schroeter said ELAM would text him that the firearm shot well and that he was needing more ammunition. Corey Schroeter said he would give ELAM a couple boxes of lighter cowboy loads for the .44 magnum rifle.

27. On December 30, 2021, SA Sprenger and ATF Task Force Officer (TFO) Randall Long conducted surveillance of ELAM's residence located at 18090 Demersville Wagon Road Lakeside, Montana 59922. The surveillance was conducted at approximately 1200 hours. During surveillance, SA Sprenger and TFO Long were able to photograph the outside of the residence and the surrounding area. At approximately

1240 hours, while SA Sprenger was parked at the gate entrance that leads to the residences of 18090 Demersville Wagon Road Lakeside, Montana 59922 and 18082 Demersville Wagon Road Lakeside, Montana 59922, SA Sprenger observed a white Ford truck park in front of SA Sprenger's vehicle. The vehicle was occupied by an older white female sitting in the passenger seat and a white male driver. Once the vehicle stopped in front of SA Sprenger's vehicle, the white male driver wearing a flat billed hat and sunglasses, approximately 35-45 years old exited the vehicle and asked TFO Long and SA Sprenger if they needed anything. Prior, SA Sprenger has reviewed ELAM's Montana Driver's License information as well as interviewed several witnesses. The male observed matched the physical description of ELAM. SA Sprenger is also aware of ELAM residing with Wilhelm. SA Sprenger was able to photograph the vehicle occupied by the male matching ELAM's description. SA Sprenger identified the Ford truck as a 2018 white Ford F-350 Super Duty, Montana License Plate DDU763. SA Sprenger is aware of ELAM driving this vehicle based upon prior witness statements and is aware of the vehicle being registered to Wilhelm at a listed address of 18090 Demersville Wagon Road Lakeside, Montana 59922. SA Sprenger observed the vehicle drive up in front of the residence of 18090 Demersville Wagon Road Lakeside, Montana 59922.

28. I know from my training and experiences as an ATF Special Agent, the experience of fellow ATF Special Agents and Task Force Officers, and from my participation in the execution of search warrants authorizing the seizure of firearms, that those who own and possess firearms and ammunition generally maintain them on their person, in their residences and garages, and in their motor vehicles, and in places where they store

their personal property. The reason owners of firearms generally maintain and preserve them over a long period of time include the fact that firearms are somewhat expensive, there are, at times, administrative delays in buying them, and firearms do not easily deteriorate. In my experience, firearms are not depleted through use, nor are they usually exchanged soon after being obtained. Firearms are like expensive tools, which their owners keep and maintain over long periods of time. The reasons owners of firearms generally maintain firearms and ammunition in and about their home or vehicles include the fact that maintenance of them in and about the home or vehicles permits easy access to the firearms, and firearms and ammunition must be maintained in an environment where they will be secure from theft, as well as safe from corrosion.

CONCLUSION

29. Based on the foregoing, I submit that this affidavit supports probable cause for a search warrant authorizing the search of the Residence and Vehicle further described in Attachment A for evidence of violations of Title 18 United States code, Section 922(g)(1) Felon in Possession of Firearms and/or Ammunition.

Respectfully submitted,



Special Agent Michael Sprenger
ATF

Subscribed and sworn to before me

on: Feb 4, 2022



Kathleen J. Doherty
UNITED STATES MAGISTRATE JUDGE